

EXTERNAL MEETING NOTES

October 04, 2021

2022 Central Valley Flood Protection Plan Update

Tribal Informational Meeting

Prepared by the Department of Water Resources

Purpose

These notes summarize an informational meeting conducted by the Department of Water Resources (DWR) and the Central Valley Flood Protection Board (CVFPB) to provide information to the California Tribal Community on the status and next steps related to the 2022 Central Valley Flood Protection Plan (CVFPP) Update. The intent of the meeting was to conduct an early review of the Working Draft of the 2022 CVFPP Update with Tribal partners and governments before the Plan is released to the public. The goal of this meeting was to collaborate on Plan development.

Participants

Tribal Representatives:

- Ivan Senock - Buena Vista Rancheria of Me-Wuk Indians
- Petee Ramirez - CA Valley Miwok Tribe and Shingle Springs Rancheria
- Ron Goode - Chairman, North Fork Mono Tribe
- Heather Airey – Picayune Rancheria of Chukchansi Indians
- Michael Wynn – Picayune Rancheria of Chukchansi Indians
- Dr. Rebecca Allen – United Auburn Indian Community
- Anna Starkey- United Auburn Indian Community
- Melodi McAdams – United Auburn Indian Community
- Cherilyn Ashmead—United Auburn Indian Community
- Anna Cheng -United Auburn Indian Community
- Amy Diffley - Tule River Indian Tribe
- Laverne Bill – Yocha Dehe Wintun Nation
- Rebecca Ramirez - Yoche Dehe Wintun Nation
- Laura Douglass Yocha Dehe Wintun Nation

Department of Water Resources:

- Anecita Agustinez, Tribal Policy Advisor
- Steve Rothert, Division Manager
- Mary Jimenez, Branch Manager
- Jason Sidley
- Lori Price
- Kelly Briggs
- Jenny Marr
- David Martasian

- Barbara Cross
- Susan (Karimi) Arao

Central Valley Flood Protection Board:

- Leslie Gallagher, Executive Officer
- Andrea Buckley
- Jennifer Stewart
- Ruth Darling

Consultants:

- Michele Ng
- Laura Kaplan
- Sirisha Nemani

List of Acronyms

AB	Assembly Bill
CD	Consistency Determination
CEQA	California Environmental Quality Act
CS	Conservation Strategy
CVFPB	Central Valley Flood Protection Board
CVFPP	Central Valley Flood Protection Plan
DWR	Department of Water Resources
EIR	Environmental Impact Report
FSSR	Flood System Status Report
RFMP	Regional Flood Management Plan
SPFC	State Plan of Flood Control
SSIA	State Systemwide Investment Approach
TCP	Tribal Cultural Properties
TCR	Tribal Cultural Resources

Previous and Upcoming Tribal Informational Meetings

February 16, 2021 – Online meeting via Zoom (all Tribes)

March 2, 2021 – Online meeting via Zoom (all Tribes)

Upcoming meetings TBD

Table of Contents

Purpose	1
Participants	1
Tribal Representatives:	1
Department of Water Resources:.....	1
Central Valley Flood Protection Board:.....	2
Consultants:.....	2
List of Acronyms	3
Previous and Upcoming Tribal Informational Meetings.....	3
Table of Contents	Error! Bookmark not defined.
Welcome and Introductions.....	5
Presentations	5
Overview of the Central Valley Flood Protection Plan.....	5
Review and Collaborative Development of 2022 CVFPP Working Draft	6
Tribal Consultation and Engagement Updates.....	8
Questions and Discussion	8

Welcome and Introductions

Anecita Augustinez, Tribal Policy Advisor for the Department of Water Resources (DWR), welcomed attendees and reviewed the purpose of the meeting and the agenda. She emphasized how Tribal partner engagement can help incorporate Tribal perspectives and values into the planning process.

Steve Rotherth, DWR Division Manager, and Leslie Gallagher, Central Valley Flood Protection Board (CVFPB) Executive Officer, provided opening remarks. Steve Rotherth noted that previous Tribal involvement in the CVFPP was through the Assembly Bill (AB) 52 and California Environmental Quality Act (CEQA) process. The current draft is a working document and is a great time to get Tribal input on the direction and content of the Plan. The themes of this Update are focused around three concepts of climate resilience, promoting accountability, and adaptive management through performance tracking. The intended outcomes of the flood plan are universal to all Californians and are reflected in the societal values that DWR holds and promotes, including protecting public health, and safety, improving ecosystem vitality, supporting a healthy economy, and creating opportunities for enriching experiences. Leslie Gallagher noted that the CVFPB Board members and staff are committed to making sure that Tribal concerns are heard.

Anecita then invited Tribal representatives to introduce themselves, followed by State agency staff.

Presentations

Overview of the Central Valley Flood Protection Plan

Presentation by Mary Jimenez, Branch Manager, Department of Water Resources

Please refer to this presentation's PDF in the meeting materials for more details on the summary below

Mary Jimenez reminded attendees that the CVFPP and the five-year updates are descriptive documents representing a Systemwide plan that prioritizes the state's investment in flood management over the next 30 years. In 2008, the State of California directed the DWR to develop the first CVFPP, released in 2012. The CVFPP is a strategic, long-term plan that describes a programmatic vision for flood system improvements in the Central Valley. This long-range plan will promote multi-benefit projects described within the plan and integrates and improves the ecosystems' functions associated with the flood risk reduction projects. It will not be used to determine funding decisions or permitting. The plan adds detail to the high-level flood specific outcomes to add specificity in terms of those specific outcomes. Broad strategies and concepts of the State Systemwide Investment Approach (SSIA) have not changed but the plan is maturing as DWR learns what is effective.

The 2022 CVFPP Update (Update) is being prepared as next in a series that began in state legislation about 14 years ago. The Update represents opportunities to adapt and improve flood system resiliency over time. This Update recognizes climate change as a major driver of flood risk as it directly relates to the frequency and severity of extreme natural events like floods, droughts, and wildfires. The Update also reflects changes in funding types and availability over time, changes in economic conditions, political and policy conditions.

Mary highlighted the following key points:

- The Update will deliver flood specific outcomes for California, while providing and demonstrating the following four related outcomes: public health and safety for California, ecosystem viability, economic stability, and enriching experiences. An example of public health and safety would be demonstrating risk reduction for people who live and work in the floodplains, while providing risk reduction for property and assets. Risk reduction also increases and improves quantity, diversity, and connectivity of riverine and floodplain habitats, while protecting societally significant lands and promoting Tribal values.
- DWR and the CVFPB are key partners for developing the CVFPP and they have compatible responsibilities. DWR prepares and works towards implementation of the CVFPP; provides technical assistance to state agencies, counties, reclamation districts, Tribes, and nonprofit agencies; administers financial assistance programs for flood management projects in the Central Valley; and operates and maintains part of the State Plan of Flood Control (SPFC) Planning Area. The CVFPB adopts and works towards implementation of the CVFPP, is a non-federal sponsor for SPFC facilities, administers encroachment permits, and provides a public forum for stakeholder engagement.

Review and Collaborative Development of 2022 CVFPP Working Draft

Presentation by Jason Sidley, Department of Water Resources

Please refer to this presentation's PDF in the meeting materials for more details on the summary below

Jason emphasized three key points for the 2022 Update:

- Innovation expressed through climate change adaptation
- Accountability conveyed by tracking performance
- Collaboration with state and regional planning efforts

The Update has several component efforts. The Conservation Strategy (CS) is being updated for 2022 and is a major driver as ecosystem vitality indicators and metrics are developed for the CVFPP. The CS measurable objective performance tracking work is being done in parallel with the Update. From a climate change standpoint, the CS is developing a set of ecological adaptation measures and approaches that are being folded into the adaptation measure discussion within the Update itself. The policy recommendations that have been developed as part of the 2016 CS are being used to inform the high priority policy recommendations in the Update working draft.

Additional component efforts include six Regional Flood Management Plans (RFMPs) that identify investment needs. Technical analysis (climate hydrology risk, etc.) is focused on the medium scenario analysis effects on the flood management system and defining public safety and indicators using expected/average annual life loss of damages. There are other documents reflected in the Update, including the Flood System Status Report (FSSR), State Plan of Flood Control (SPFC) Descriptive Document, performance tracking of public health and safety, and economic stability indicators and metrics, a CEQA addendum, and a Delta Plan Consistency Determination.

The recommended actions being brought forward from the RFMPs and DWR implementation groups, are still within the geographical context of the SPFC and the broad management actions developed in 2012. Based on the relatively minor refinements to the Plan, a CEQA addendum to the 2012/2017 Program EIRs will be prepared for this Update. One notable edit that will be made within the CEQA addendum is the separation of the impact analysis of Tribal Cultural Properties (TCP) from Tribal Cultural Resources (TCR). The potential impacts were not

analyzed separately in the 2017 CEQA Program EIR. The remaining text will largely remain the same and the significance determinations will not change.

The Update will share data and information resulting from technical analyses across other DWR programs, e.g. the CA Water Plan, and the Sustainable Groundwater Management planning. Unlike previous plans, the SSIA will not be a stand-alone document. Updated capital and ongoing investments in the working draft have increased since 2017. The Funding Plan will not be included in the working draft but is anticipated for inclusion in the public draft. Relevant content will be included in CVFPP chapter 4.

Jason highlighted the following contents of the Update

- The plan begins with a call to action focusing on immediate needs.
- Chapter 1 reports on tracking performance of planned investments and updates the SSIA to provide a portfolio that has a reasonable cost and is cost effective. The flood risk remains high, and species are declining. Both are exacerbated by climate change and other anthropogenic factors. The background information is in an appendix that includes historical background of the CVFPP and highlights concepts consistent with previous plans.
- Chapter 2 discusses both structural and non-structural implementation. Progress is demonstrated by performance tracking, promoting accountability, and demonstrating return on investment. Alignment between the CVFPP and other water management investments will provide a broader multi-benefit outcome.
- Chapter 3 discusses updated risks, priorities, portfolios, and outcomes. A framework of performance tracking and adaptive management is described. A map of completed projects for each area of interest is highlighted with photos and enhanced descriptions. This chapter highlights priority policy issues, including land-use and floodplain management, residual risk management, flood and ecosystem performance accounting, operations and maintenance of the flood system, governance and institutional support, coordination with federal agencies, funding, and multi benefit projects. Two additional policy issues were added: equity, and climate change and flood system resilience.
- Chapter 4 is titled Moving Forward. Capital costs have increased for ongoing investments over 30 years compared to 2017, and the investment need has been updated to \$25-\$30 billion investment over 30 years. The on-going investment annual funding requirement is \$290-\$350 M/year. Near and long-term actions for implementation are prioritized.

The milestones for developing the plan began with the working draft release on October 1, 2021. Early reviewer comments are due November 1, 2021. A comment response log will not be produced for the early comments. Reviewer comments will be addressed in the public draft scheduled for release in early 2022. Outstanding comments may continue to be addressed through the public process. DWR is available for focused follow-up meetings.

Tribal Consultation and Engagement Updates

Presentation by Lori Price, Department of Water Resources

Please refer to this presentation's PDF in the meeting materials for more details on the summary below

Lori Price reviewed the consultation and engagement efforts for the Update that have occurred to-date and noted that six Tribes have requested to consult on the Plan. Lori also reviewed the upcoming engagement opportunities, which include review of the Working Draft (comments due on November 1, 2021); review of the Public Draft (which will be released in early 2022); and other Tribal specific engagements such as an upcoming CVFPB Tribal Workshop and future possible CVFPP Tribal informational meetings (all currently TBD).

Questions and Discussion

Below is a summary of the discussion resulting from the presentations.

- Several comments were made regarding climate change:
 - Chairman Ron Goode, North Fork Mono Tribe, commented that 30-year planning is ambitious. Regarding climate change, recognize that we are in our sixth drought since 1987, each lasting 3-5 years with intermittent wet years. The 30-year time frame does not recognize droughts over a 30+ year drought period, despite being documented by Chairman Goode during the last climate change assessment. There have also been intermittent wet periods characterized by flooding and precipitation. The variation requires serious consideration.
 - A few Tribal representatives noted that the Tribes are asked by many agencies to comment on climate change plans, and they have limited time and resources to do so. They notice similarities between the plans, such as the same questions being asked and some of the same goals, but it seems there is a lack of coordination between the agencies because there are so many different plans. They are also concerned about how cumulative effects are being addressed. It was also asked if consistency determinations with the Delta Plan would be done for the other climate change plans.

DWR Responses to climate-related questions:

- Why are there so many climate plans?
 - The issue of there being several climate change plans is recognized. Most are required through legislation or executive order. Climate plans are prepared at the statewide and regional levels to work towards climate resiliency on the system, lands, infrastructure, and/or programs for which the entity has jurisdiction or authority over and has expertise in. This results in multiple climate plans for the State.
 - We understand there are many climate change plans that state agencies seek your comments on. With limited staff available, it's a challenge to keep track of comment deadlines. If needed, please contact the agency's Tribal liaison and have them help you work through the various comment periods.
- How much coordination occurs between the agencies regarding climate planning?
 - The CVFPP climate change analysis was guided by DWR's Climate Action Plan and in collaboration with other State efforts to strengthen alignment of technical data and analyses, and State priorities and goals regarding climate change resilience. These efforts include the

- Water Resilience Portfolio, CA Water Plan, EO N-82-20 (30x30), and other CA Natural Resources Agency (CNRA) initiatives.
- The H2F Initiative is also guiding development of technical data and information related to the CVFPP and strengthening alignment with State, federal, and local partners.
 - DWR and the Delta Stewardship Council (DSC) have collaborated on multiple aspects of the DSC Delta Adapts effort, especially on the vulnerability assessment specific to water supply and flood risk analysis, where effort was made to align data application. DWR and DSC are planning to continue this collaboration moving forward.
 - DWR forwarded this question to the Office of Planning and Research (OPR) and the CNRA, as these agencies are involved in several climate planning efforts. CNRA is leading the Natural and Working Lands Climate Smart Strategy, the Climate Adaptation Strategy, and the forthcoming 30x30 Pathways document. Since these three plans are all led by CNRA, there has been close coordination on them; OPR is also directly involved in the 30x30 report. For administration-wide plans, climate deputies for all the agencies are involved in the process. CNRA is trying to coordinate on all of the administration-wide climate-related efforts, but it may not catch every agency-specific or regional effort. There is also an Interagency Resilience Work Group made up of several agencies, including DWR, that was developed to facilitate coordination on these efforts.
 - All sector-specific plans should nest up into the two overarching state climate plans: Scoping Plan (mitigation, led by CARB) and the Adaptation Strategy (adaptation and resilience, led by CNRA/OPR). There is overlap between the two plans, most prominently on natural and working lands/nature-based solutions.
- How are the cumulative impacts being addressed between the different plans?
- The climate change analysis in the CVFPP is being used to inform flood managers of the potential effects of climate change on the flood system. The analyses inform systemwide planning and are not yet intended for design-level decisions.
 - Once climate adaptation strategies are proposed to be implemented as part of a State plan or project, the cumulative impacts of the implementation of the action (strategy) will be addressed through the CEQA process.
- Are other agencies filing Delta Plan consistency determinations (CD) for their climate plans?
- The decision to submit a CD is up to the lead agency, so DWR cannot speak to whether CDs will be filed for other climate plans.

- Dr. Allen, UAIC, inquired about when the CVFPP team will submit a consistency determination with the Delta Plan; if the document will be available for public review; and if so, when.
 - DWR responded that the CD will be submitted online via the DSC's portal and it will be available for the public to review at: <https://coveredactions.deltacouncil.ca.gov/?page=1> . At the time of this meeting, the submittal date of the CD had not been determined.
 - DWR has since determined that the CD will likely be submitted in late 2022, following anticipated CVFPB adoption of the 2022 Update.
- Chairman Goode noted that he has worked on better mapping of Tribal traditional cultural regions.
 - He provided this mapping to DWR after the meeting.
- When a project occurs in an area that is sensitive or known for cultural or biological resources, Tribes would like to be compensated for their information, and Tribal monitors should be hired.
- A Tribal representative expressed interest in getting more information about the in-progress/planned actions in Chapter 3.
 - DWR responded that many of the projects are still at the conceptual level without defined project proponents, boundaries, potential impacts, etc. Due to the high-level, programmatic nature of the CVFPP, comments on overarching or typical Tribal concerns with projects would be useful for the planning effort.
- It was noted that there are many Tribes for which email and internet access is not easily available or reliable. As such, some Tribes would prefer hard copies of the drafts to review, instead of an electronic copy.
 - DWR arranged for two copies of the Working Draft to be mailed to the Tribe that made this comment and Anecita invited all the other Tribes present to request a hardcopy if desired.
 - Hardcopies were also mailed to Tribes for which DWR does not have an active email address. The invitations to the Tribal informational meeting, which were mailed on September 1, 2021 stated that Tribes could request hardcopies of the Working Draft.
- DWR noted that Tribes can contact Lori Price to set up a separate, individual meeting to discuss the Working Draft, if desired.